

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

In re:	)	
	)	
SHANE CO.	)	Case No. Case No. 09-10367
	)	
EIN: 84-0613760	)	
	)	Chapter 11
Debtor.		

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**ORDER GRANTING  
MOTION FOR ORDER ESTABLISHING PROCEDURES AND BAR DATE  
FOR THE FILING OF PROOFS OF CLAIM AND INTERESTS**

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This matter came before the Court on the Motion of Shane Co., the Debtor-in-Possession herein, for entry of an order establishing procedures for the filing of, and setting a Bar Date for filing, Claims against the Debtor's estate, pursuant to Rules 3003(c)(3) and 2002(a)(7), F.R.B.P. The Court being duly advised, finds that it is proper and in the interests of the Debtor and the creditors of the estate to grant same.

IT IS, THEREFORE, HEREBY ORDERED that the Motion is granted.

FURTHER ORDERED that **June 29, 2009 at 5:00 p.m., prevailing Pacific Time**, is hereby fixed as the Bar Date for filing proofs of claim and interests as required by Rule 3003(c)(3), F.R.B.P. including claims that may be entitled to administrative priority treatment under 11 U.S.C. §503(b)(9), other than by governmental units, and that **July 13, 2009**, is hereby fixed as the Bar Date for filing proofs of claim and interests by governmental units.

FURTHER ORDERED that the modified Proof of Claim Form attached to the Motion as Exhibit A is hereby approved.

FURTHER ORDERED that the Notice of Bar Date attached to the Motion as Exhibit B is hereby approved.

FURTHER ORDERED that all Proofs of Claim not yet filed with the Clerk of the Bankruptcy Court shall be instead delivered to Kurtzman Carson Consultants LLC, the Debtor's claims agent, at the address set forth in the Notice of Bar Date, by the applicable Bar Date.

FURTHER ORDERED that any creditor whose claim has been reduced, deleted or the status of which has been changed in connection with the Debtor amending its Schedules of Liabilities, must file a Proof of Claim Form with respect to such claim on or before the later of:

(a) the otherwise applicable Bar Date and (b) 30 days after such Creditor is served with notice that the Debtor has amended its Schedules (the "Amended Schedule Bar Date").


FURTHER ORDERED that, for a claim that arises out of the rejection of an executory contract or an unexpired lease, the creditor holding such claim must file a Proof of Claim Form on or before the latest of: (a) June 29, 2009 at 5:00 p.m. prevailing Pacific Time; (b) 30 days after the date of entry of any order authorizing the rejection of an executory contract or unexpired lease; and, (c) 30 days after the effective date of the rejection of such executory contract or unexpired lease (the "Rejection Bar Date").

FURTHER ORDERED that any creditor that is required by Rule 3003(c)(3) F.R.B.P. to, but does not, file a proof of claim or interest before the applicable Bar Date, shall be barred from receiving any distribution herein.

FURTHER ORDERED that, within five business days of the entry of this Order, the Debtor shall serve the Notice of Bar Date, together with a Proof of Claim Form, by mailing such notice and form, first class postage prepaid, to all creditors and parties in interest shown on the schedules filed herein, and to any other potential creditor made known to the Debtor, and shall file a certificate of service with the Court.

Dated: 04/20/09.

BY THE COURT:

  
\_\_\_\_\_  
Honorable Howard R. Tallman  
United States Bankruptcy Judge

**Exhibit A**

**Proof of Claim Form**



**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.*

**Items to be completed in Proof of Claim form****Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**4. Secured Claim.**

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state

annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. §§ 507(a).**

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Amount of Claim Entitled to Administrative Priority under 11 U.S.C. §503(b)(9).**

If any portion of your claim is on account of goods shipped by you and received by the Debtor within twenty days prior to January 12, 2009, that portion of your claim may be entitled to treatment as an administrative priority claim. Complete this blank with the value, at cost, of any goods received by the debtor in this twenty-day period.

**7. Credits:**

An authorized signature on this proof of claim serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**8. Documents:**

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

**Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

**Claim**

A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim form is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. § 506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate

or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. §§ 507(a)**  
Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**INFORMATION****Acknowledgement of Filing a Claim**

To receive acknowledgment of your filing, please enclose a stamped self-addressed envelope and a copy of this proof of claim. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at <http://www.kccolc.net/ShaneCo>

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

**Exhibit B**

**Notice of Bar Date**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

In re:	)	
	)	
SHANE CO.	)	Case No. Case No. 09-10367
	)	
EIN: 84-0613760	)	
	)	Chapter 11
Debtor.		

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**NOTICE OF BAR DATE  
FOR THE FILING OF PROOFS OF CLAIM**

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**TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST SHANE CO. D/B/A WESTERN STONE & METAL CORP.:**

PLEASE TAKE NOTICE THAT the Bankruptcy Court has entered an order (the "Bar Date Order") establishing June 29, 2009, as the general claims bar date (the "General Bar Date"); July 13, 2009, as the governmental unit claims bar date (the "Governmental Unit Bar Date"); and, also establishing the Amended Schedule Bar Date and Rejection Bar Date, each defined below. The General Bar Date, Governmental Unit Bar Date, Amended Schedule Bar Date, and Rejection Bar Date are referred to collectively as the "Bar Dates."

Pursuant to the Bar Date Order, all creditors and other parties in interest holding or wishing to assert a claim against Shane Co., d/b/a Western Stone & Metal (the "Company") that arose prior to January 12, 2009 (the "Petition Date"), are required to file proof of such claim by the applicable Bar Date, unless the filing of proof of such claim is not required. This Notice explains when a proof of claim is required to be filed, and the process for submitting a claim form.

**1. WHO MUST FILE A PROOF OF CLAIM FORM**

Creditors holding or wishing to assert Claims against the Company (whether secured or unsecured, priority or nonpriority, contingent or noncontingent, liquidated or unliquidated or disputed or undisputed) *must* file a Proof of Claim Form on or before the applicable Bar Date with respect to the following Claims:

- a. any Claim that is listed in the Company's schedules of assets and liabilities (the "Schedules") as "contingent," "unliquidated," "disputed" or any combination thereof, or which is listed in the Schedules in an "unknown" amount;

- b. any Claim that is improperly classified in the Schedules or is listed in an incorrect amount, if the holder of such Claim desires to have such Claim allowed in a classification or amount other than as set forth in the Schedules;
- c. any Claim that is not listed in the Schedules; and
- d. any Claim that is allowable under section 503(b)(9) of the Bankruptcy Code as an administrative priority claim in the Company's chapter 11 case.

## **2. WHO NEED NOT FILE A PROOF OF CLAIM FORM**

Proof of Claim Forms need not be filed on account of the following types of Claims:

- a. Claims listed in the Company's Schedules or any amendments thereto, which are not listed as "contingent," "unliquidated," or "disputed," and on account of which the Creditor agrees with the nature, amount, and classification of its Claim, as set out in the Schedules;
- b. Claims for which a Proof of Claim Form has already been filed with the Court;
- c. Claims previously allowed by, or paid pursuant to, an order of the Court;
- d. Claims allowable under sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of the Company's chapter 11 cases, with the exception of Claims allowable under section 503(b)(9) of the Bankruptcy Code, for which a Proof of Claim must be filed; and
- e. Claims made by any holder of equity securities of the Company solely with respect to such holder's ownership interest in or possession of such equity securities.

## **3. PROOF OF CLAIM FORM**

Unless you have already filed a proof of claim form with the Court, enclosed with this Notice is at least one Proof of Claim Form. If your claim is scheduled by the Company in its Schedules, the attached Proof of Claim Form also sets forth: (a) the amount of your claim (if any) as scheduled by the Company; (b) whether your claim is scheduled as disputed, contingent or unliquidated; and (c) whether your claim is listed as a secured, unsecured priority or unsecured nonpriority claim. You will receive a different proof of claim form for each claim scheduled in your name by the Company. Additional proof of claim forms may be obtained at the following websites:



<http://www.kccllc.net/ShaneCo;> or  
[http://www.uscourts.gov/rules/BK\\_Forms\\_1207/B\\_010\\_1207f.pdf](http://www.uscourts.gov/rules/BK_Forms_1207/B_010_1207f.pdf).

All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The proof of claim form must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (or, if such documents are voluminous, attach a summary) or an explanation as to why the documents are not available.

Under the Bar Date Order, the filing of a Proof of Claim Form shall satisfy the procedural requirements for asserting an administrative priority claim under section 503(b)(9) of the Bankruptcy Code, only. All other administrative claims under section 503(b) of the Bankruptcy Code must be made by separate requests for payment in accordance with sections 503(a) of the Bankruptcy Code and shall not be deemed proper if made by proof of claim.

#### **4. WHEN AND WHERE TO FILE PROOF OF CLAIM FORMS**

Except as noted below, all Proof of Claim Forms must be delivered so as to be received **on or before the General Bar Date, June 29, 2009**, except for governmental units, which must be filed by the **Government Unit Bar Date, July 13, 2009**.

All Proof of Claim Forms must be delivered so that they are received by **5:00 p.m. prevailing Pacific Daylight Savings Time** on the applicable Bar Date, at the following address:

**Shane Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Ave.  
El Segundo, CA 90245  
T: (866) 381-9100**

Proofs of claim will be deemed filed only when actually received by the Shane Claims Processing Center on or before the applicable Bar Date. Proofs of claim may not be delivered by facsimile or electronic mail transmission. Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a proof of claim is submitted by one of the methods described above.

Proofs of claims will be collected from the Shane Claims Processing Center, docketed and maintained by the Company's claims agent, Kurtzman Carson Consultants LLC ("KCC"). If you wish to receive acknowledgement of KCC's receipt of a proof of claim, you must submit by the applicable Bar Date and concurrently with submitting your original proof of claim (a) a copy of the original proof of claim, and (b) a self-addressed, postage prepaid return envelope.

*If you have previously filed a Proof of Claim Form with the Bankruptcy Court, you do not need to submit a new claim to the Shane Claims Processing Center. KCC will retrieve your claim from the Bankruptcy Court records.*

## **5. THE COMPANY'S SCHEDULES**

You may be listed as the holder of a claim against the Company in its Schedules. To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed proof of claim form(s) regarding the nature, amount and status of your claim(s). If you received postpetition payments from the Company (as authorized by the Court) on account of your claim, the information on the enclosed proof of claim form may not reflect the net remaining amount of your claims. If the Company believes that you may hold claims against it, you will receive multiple proof of claim forms, each of which will reflect the nature and amount of each claim you have, as listed in the Schedules.

If you rely on the Company's Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. You may rely on the enclosed form, however, which sets forth the amount of your claim (if any) as scheduled, specifies whether your claim is listed in the Schedules as disputed, contingent or unliquidated and identifies whether your claim is scheduled as a secured, unsecured priority or unsecured nonpriority claim.

As described above, if you agree with the nature, amount and status of your claim as listed in the Company's Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

## **6. AMENDED SCHEDULE BAR DATE AND REJECTION BAR DATE**

The Company may amend its Schedules to add a new creditor, or to alter the amount, nature, or classification of an existing scheduled claim. If that occurs, any Creditor whose claim was not previously scheduled, and any Creditor whose claim has been reduced, deleted or the status of which has been changed in connection with the such an amendment to the Schedules, must file a Proof of Claim Form with respect to such Claim on or before the later of: (a) the otherwise applicable Bar Date and (b) 30 days after such Creditor is served with notice that the Company has amended its Schedules (the "Amended Schedule Bar Date").

Similarly, after the date of this Notice, the Company may move to reject one or more leases and executory contracts. For a Claim that arises out of the rejection of an executory contract or an unexpired lease, the Creditor holding such Claim must file a Proof of Claim Form on or before the latest of: (a) June 29, 2009; (b) 30 days after the date of entry of the order authorizing the rejection of the executory contract or unexpired lease; and (c) 30 days after the effective date of the rejection of such executory contract or unexpired lease (the "Rejection Bar Date").

**7. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATES**

PLEASE TAKE NOTICE THAT ANY CREDITOR THAT IS REQUIRED TO FILE A PROOF OF CLAIM FORM IN THIS CHAPTER 11 CASE BUT THAT FAILS TO DO SO BY ON OR BEFORE 4:00 P.M. (PREVAILING PACIFIC DAYLIGHT SAVINGS TIME) ON JUNE 29, 2009 (OR JULY 13, 2009 FOR GOVERNMENTAL UNIT CLAIMS), WILL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM: (A) ASSERTING ANY CLAIM AGAINST THE COMPANY (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO) THAT: (i) IS NOT LISTED IN THE SCHEDULES, (ii) IS IN AN AMOUNT THAT EXCEEDS THE AMOUNT, IF ANY, THAT IS SET FORTH IN THE SCHEDULES OR (iii) IS OF A DIFFERENT NATURE OR IN A DIFFERENT CLASSIFICATION (ANY SUCH CLAIM REFERRED TO AS AN "UNSCHEDULED CLAIM"); AND (B) VOTING UPON ANY CHAPTER 11 PLAN OR RECEIVING DISTRIBUTIONS, IN RESPECT OF AN UNSCHEDULED CLAIM; AND THE COMPANY AND THE COMPANY'S PROPERTY WILL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH UNSCHEDULED CLAIM.

**8. ACCESS TO PROOF OF CLAIM FORMS**

Proof of Claim Forms and a copy of the Bar Date Order may be obtained by contacting KCC at 2335 Alaska Ave., El Segundo, CA 90245, Telephone: (866) 381-9100. KCC cannot advise you whether you should file a Proof of Claim Form. Notwithstanding anything set forth in this Notice, the Company retains the right to: (a) dispute and assert offsets or defenses against any filed Claim or any Claim listed or reflected in the Schedules as to the nature, amount, liability, classification or otherwise of such Claim; and (b) subsequently designate any Claim as contingent, unliquidated, disputed or any combination thereof.

The fact that you received this notice does not mean that you have a Claim against the Company. You should consult your own attorneys or other professionals to determine whether you hold a claim against the Company. Neither the Company's counsel, KCC, nor the Bankruptcy Court Clerk's Office can give you legal advice.

**IF YOU HAVE PREVIOUSLY FILED A PROOF OF CLAIM,  
YOU DO NOT NEED TO FILE ANOTHER CLAIM.**

Dated: April \_\_, 2009

SHANE CO.,  
Debtor and Debtor-in-Possession